Remarks

Priority

The 1-25-2008 office action states that applicant has not filed a certified copy of application GB-0327067.5. Applicant believes that a certified copy was filed with the PCT application, and will seek confirmation of the filing.

Specification

The disclosure was objected to because of informalities regarding the abbreviation "AIVN". Applicant respectfully submits the abbreviation is correct, as described in [0021], line 26.

Claim Objections

Claim 3 was objected to because of an informality. Claim 3 has been amended to correct the informality.

Rejections under 35 U.S.C. 103

Claims 1-7 were rejected as being unpatentable over Eguchi et al. (US Pat. 4,316,941) in view of Smith US Pat. 3,329,661), as stated on pages 2 – 4 of the 1/25/2008 office action.

Claims 8-13 were rejected as being unpatentable over Eguchi et al. (US Pat. 4,316,941) in view of Smith US Pat. 3,329,661), as stated on pages 4 – 6 of the 1/25/2008 office action.

Applicant respectfully submits that the present claims (1-13) define an invention which is unobvious over Eguchi et al. (US Pat. 4,316,941) in view of Smith US Pat. 3,329,661). Since both 103 rejections were based on the same references and similar reasons, Applicant provides the following remarks and counterarguments in support of the patentability of present claims 1-13.

Applicant respectfully submits the 103 rejection does not provide a sufficient factual inquiry of obviousness as stated in *Graham v. John Deere Co*, and further described in the Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in view of the Supreme Court Decision in *KSR v. Teleflex Inc.*, (Federal Register/Vol. 72, No. 195, pages 57526-57535). In particular, Applicant respectfully submits the factual assessment in the 1/25/2008 obvious rejections fail to account for major differences between the cited references. Applicant further traverses the alleged reasons in the 103 rejection as to why one skilled in the art would combine the references.

Eguchi teaches a rubber stopper for sealing comprising a substrate which is partially or wholly coated with a fluorine-containing elastomer comprising a graft co-polymer having rubber-like elasticity and having chemical linkages of fluorine-containing polymeric segments and organopolysiloxane segments at reactive sites of said segments. While Eguchi teaches a fluoropolymer containing the reaction product of an amino-functional polysiloxane with a fluoropolymer derived from a fluoro monomer having a reactive group capable of reacting with the amino-functional polysiloxane, Eguchi fails to teach the addition of a perfluorinated co-monomer comprising the fluoro-substituted alkyl ester of an olefinically unsaturated carboxylic acid (component B2 in the present claims). The 103 rejection relies on Smith for its teaching of such fluoro-substituted alkyl ester of an olefinically unsaturated carboxylic acid.

Applicant respectfully submits the 103 rejection fails to account for major differences between the cited references. Eguchi and Smith each attempt to solve two different and unique technical problems. Eguchi teaches rubber stoppers comprising fluoropolymer surface coatings having improved properties to prevent contamination of impurities resulting from additives in the rubber stopper construction, as detailed in columns 1 and 2 of Eguchi under *2. Description of the Prior Arts*. In contrast, Smith is concerned with improving the durability of fluorocarbon treatments, and in particular to fibrous and porous surfaces (2:39-47). Applicant respectfully submits that the rubber stoppers of Eguchi are neither fibrous or porous. Thus, Applicant believes one skilled in

the art, looking to improve the fluoropolymer surface coatings on Eugchi's rubber stoppers, would not look to Smith for providing such a solution, nor read Smith as providing a solution to the technical problems addressed in Eugchi. Thus, Applicant respectfully submits that because Eugchi and Smith attempt to provide solutions to two completely different technical problems, they therefore lack sufficient commonality to provide a proper combination in view of the *Graham* factors for evaluating obviousness.

Applicant respectfully traverses the reasons stated in the 1/25/2008 obviousness rejection for combining Eguchi and Smith. Specifically, Applicant traverses the statements,

> At the time of the invention, a person having ordinary skill in the art would have found it obvious to employ the co-polymeric systems as taught by Smith et al. as a co-reactant with the amino-functional polysiloxanes as taught by Eguchi et al. and would have been motivated to do so since Smith et al. teaches that the epoxide-perfluorinated copolymers have excellent oil and water repellence (2:18-21), and stabilities towards dry-cleaning and laundering processes (1:4:60-5.39).

Applicant does not believe one skilled in the art would be motivated to employ the co-polymeric systems as taught by Smith as a co-reactant with the amino-functional polysiloxanes as taught by Eguchi. As already discussed above, both Eguchi and Smith address different technical problems, and therefore does not provide any motivation to one skilled in the art to combine the references. Furthermore, Applicant believes that any commonality of Eugchi's "chemical resistance" features to Smith's "oil and water repellency" features is due to the inherent properties of fluorocarbon substituents. That is, one skilled in the art recognizes that fluorocarbons possess "oil and water repellency" as an inherent property of this class of chemicals (especially in comparison to organic or siloxane based groups). Applicant submits the use of "oil and water repellency" in Smith, or "chemical resistance" in Eugchi to describe their respective inventions in part results from the use of fluorocarbons in their respective inventions. Such common statements or features do not provide sufficient motivation to combine these references. Rather, Applicant believes one skilled in the art would expect Smith's "oil and water repellency" or Eugchi's "chemical resistance" descriptions to be associated with the

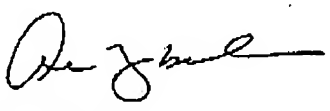
presence of fluorocarbons in their inventions and is a common description used in much in the vast art associated with fluorocarbon coatings. Used as such in Eugchi and Smith, Applicant believes these descriptions attributable to fluorocarbons is not sufficient reason to lead one skilled in the art to combine Eguchi and Smith, or more specifically, to use the perfluorinated co-monomer comprising the fluoro-substituted alkyl ester of an olefinically unsaturated carboxylic acid of Smith in the fluoro-containing elastomer coatings of Eugchi.

The present response is being submitted within the six-month statutory period for response to the outstanding Office Action. Applicant authorizes the USPTO to charge deposit account 04-1520 for a one month extension of time, or any fees that should be necessary to maintain the pendency of the application.

In view of the above, it is respectfully submitted that the claims are in condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

DOW CORNING CORPORATION



Alan Zombeck
Registration No. 45,260
Telephone No. (989) 496-3101